

## **DIVISION 1. - GENERALLY**

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### **Sec. 162-996. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accident* shall mean a situation where one or more motor vehicles have collided with any motor vehicle or object.

*City* shall mean the City of New Orleans.

**Compulsory liability insurance/security impoundment** shall mean the towing and storage of a vehicle in violation of state law requiring proof of insurance coverage to be maintained in a vehicle operated within the state.

**Consent tow** shall mean the towing of a motor vehicle upon the consent of the vehicle owner.

**Motor vehicle** shall mean any motor vehicle designed to be self-propelled and subject to state registration except it shall not include any manufactured home.

**Nonconsent tow** shall mean the towing of a motor vehicle where the vehicle owner has not called a towing service for assistance, or is unable or unwilling to do so.

**N.O.P.D.** shall mean the New Orleans police department.

**N.O.P.D. call allocation list** shall mean the list of towing companies authorized to provide tow truck response and storage as maintained by the N.O.P.D. towing and recovery section.

**Police authorized tow** shall mean the nonconsent towing of a motor vehicle upon authorization of a city police officer from a police scene at which the vehicle owner is not present, is incapable of making or declines to make arrangements for the removal of the vehicle, or is in violation of state compulsory liability insurance/security law.

**Police scene or scene** shall mean a place at which an accident has taken place that is subject to police field investigation, a place at which the city has recovered a stolen vehicle, a place at which a vehicle has been abandoned in a roadway, a place where custodial arrest by police has taken place, or any place at which a vehicle is subject to removal or impoundment pursuant to law by a police officer.

**Storage lot** shall mean an automobile storage facility situated within the city.

**Recovered stolen vehicle** shall mean any vehicle, which has been previously reported stolen, recovered by a police officer, and no longer has any evidentiary value.

**Tow** means pull, winch, carry, or otherwise move a vehicle or equipment other than by its own power with the use of a tow truck.

**Towing service business** means the business by an individual, partnership, corporation, or other entity of providing tow service, which may include transportation and storage of a vehicle to a storage lot.

**Tow truck** means any motor vehicle equipped with a boom or booms, winches, slings, tilt beds, and/or similar equipment designed for the towing and/or recovery of vehicles and other objects which cannot operate under their own power or for some reason must be transported by means of towing.

**Vehicle owner** shall mean the actual owner of the vehicle towed or transported or any driver of the vehicle who reasonably appears to have authority to operate the vehicle. (M.C.S., Ord. No. 19,148, § 1, 3-31-99; Ord. No. 19,846, § 1, 10-5-00)

**Cross reference— Definitions generally, § 1-2.**

#### **Sec. 162-997. - Operational requirements.**

Every towing service business operating within the City of New Orleans shall comply with the following operational requirements: Each tow truck and towing service business shall possess all necessary federal, state, and city certificates, licenses and permits to operate as designated. (M.C.S., Ord. No. 19,148, § 1, 3-31-99)

#### **DIVISION 2. - CALL ALLOCATION LIST/QUALIFICATION CRITERIA AND TOWING REQUIREMENTS**

[Sec. 162-998. – N.O.P.D. call allocation list.](#)

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#### **Sec. 162-998. – N.O.P.D. call allocation list.**

The New Orleans police department is authorized to prescribe and promulgate rules, regulations and minimum requirements for towing service businesses to be included on a call allocation list to provide emergency tow truck response and storage for nonconsent tows in order to increase public safety and in conformance with R.S. 32:1711 through R.S. 32:1731. Any such rules, regulations, and requirements not already contained in this article shall be subject to the procedure for the promulgation of regulations established in section 2-1000. The call allocation list shall include only towing businesses located within the city and ownership or contractual access to business and storage lot facilities within the city. Such authorization shall remain current for one calendar year unless terminated by an action of the police department. Qualification for the call allocation system list shall be on an annual basis only. (M.C.S., Ord. No. 19,148, § 1, 3-31-99)

#### **Sec. 162-999. - Call allocation list qualification criteria.**

Each applicant shall maintain their towing and recovery business "storage facility" in Orleans Parish. The applicant must maintain all records pertaining to calls made under the call allocation list at the storage facility, titled for this towing, recovery, and storage business and

staffed Monday through Friday 8:00 a.m. to 5:00 p.m., excluding legal holidays. The towing service must make these records available for inspection by the New Orleans police department. A representative of the towing and recovery business shall be on call for emergencies, and an owner of a towed vehicle shall not be charged a storage fee for the days that the owner could not retrieve his or her vehicle as a result of an action or omission from which the tow business would benefit. Each applicant shall maintain all insurance coverage required by Louisiana law, including worker's compensation insurance and sufficient liability insurance to indemnify the City of New Orleans against any losses. A certificate of insurance shall be required as proof of insurance at the submission of an application or renewal.

There shall be an annual fee of \$20.00 paid to the City of New Orleans for the N.O.P.D. to inspect and verify that a towing business meets the criteria as herein established for the call allocation list at a particular location in the city. There shall be an annual fee of \$10.00 paid to the City of New Orleans by the tow truck owner for the N.O.P.D. to inspect and verify that each tow truck meets the criteria as herein established for the call allocation list. (M.C.S., Ord. No. 19,148, § 1, 3-31-99)

**Sec. 162-1000. - Equipment requirements/personnel standards.**

Tow trucks and operators shall meet all City of New Orleans equipment requirements and personnel standards as follows:

- (1) Each towing business shall use a unique name as designated on the state towing license, which shall be clearly distinguishable from the trade name of any other licensee.
- (2) No tow truck owner shall operate or permit anyone to operate a tow truck until the following requirements are fulfilled:
  - a. Tow truck operators shall have valid licenses as required by state and municipal law.
  - b. Every operator shall be competent by reason of experience or training to safely operate the type of tow truck or tow trucks authorized by the state towing license.
  - c. Every operator shall possess the knowledge and ability to rig, move, pick up, and transport vehicles without causing or increasing existing damage insofar as possible.
  - d. Every operator shall be free from impairment of alcoholic beverages, narcotics, or dangerous drugs when operating a towing service or tow truck.
  - e. No tow truck company or individual shall operate a tow truck without having in his possession proof of current insurance in accordance with state law.
- (3) Every owner and operator shall be familiar with the laws, rules, and regulations pertaining to tow trucks.
- (4) Drivers are to wear clothing sufficient to identify the towing company and driver.
- (5) Any person operating a tow truck will have the necessary experience and qualifications to operate a tow truck in the manner required by this article.

- (6) All towing operators will develop for each vehicle towed or serviced an itemized statement, bill, or invoice of the towing and storage charges incurred.
- (7) Drivers must be 18 years of age or older. Only those duly licensed to drive in the State of Louisiana shall be permitted to drive and operate a tow truck. The class of operators license must be compatible to the equipment operated.
- (8) Tow trucks shall comply with all applicable lighting and equipment requirements in accordance with state law.
- (9) All tow trucks, except slide back recovery vehicles while they are transporting a vehicle on their beds, shall be equipped with at least one amber rotating or flashing beacon visible for 360 degrees at a distance of 1000 feet under normal atmospheric conditions at night. While at the scene of an accident, recovered stolen vehicle, or disabled vehicle, or when actually towing a vehicle, a tow truck operator shall illuminate or cause to be illuminated the amber rotating or flashing beacon.
- (10) All tow trucks shall be equipped with the following required equipment:
- a. Oil-absorbent material: All tow trucks shall have at least the following: Sand, clean dirt, or a commercial oil and grease absorbent in an amount of at least 1,155 cubic inches or the equivalent of a five-gallon can of material which is carried in a weatherproof container.
  - b. Electric lantern or flashlight: All tow trucks shall have at all times, in good working condition, a battery powered electric lantern, or two-cell flashlight in lieu of an electric lantern.
  - c. Fire extinguishers: Each tow truck shall be equipped with either:
    - 1. A fire extinguisher having an Underwriters Laboratories rating of 5 B:C or more; or
    - 2. Two fire extinguishers, each of which has an Underwriters Laboratories rating of 4 B:C or more.
  - d. Steering wheel clamp: A steering wheel clamp, rope, or its equivalent shall be of sufficient strength to adequately lock the steering mechanism of a towed vehicle in a straight forward position.
  - e. Tow sling or tow plate:
    - 1. Every tow truck shall be equipped with a tow sling, plate, bar, or equivalent that is structurally adequate for any weight drawn. Slings or plates shall be properly and securely mounted on the tow truck without excessive slack.
    - 2. The tow plates, slings, and tow-bars shall be securely attached to the towed vehicle by means of chains, hooks, straps, or equivalent. Attachment chains will have a capacity equal to the weight of the towed vehicle. At least two chains, hooks, straps, or equivalent shall be used.

**f. Attachments:**

- 1.** Every towed vehicle shall be coupled to the tow truck with attachments of a structural strength adequate to safely tow the vehicle.
- 2.** Attachments shall be securely attached to the towing and towed vehicle with no more slack left in the attachment than is necessary to permit proper turning.

**(11)** Each tow truck shall display on the door or side panel the trade name to their respective business, as registered with the New Orleans police department. The letters are to be at least 2½ inches in height and shall be permanently affixed to the tow truck.

**(12)** Capacities and specifications of towing equipment:

- a.** The minimum standards of each tow truck license shall be determined solely by the manufacturer's specifications for the capabilities and capacities of the tow trucks and all towing equipment.
- b.** Each tow truck shall be equipped with only those winches and cranes that have been produced and constructed by a manufacturer of such equipment who carries product liability, and which regularly produces winches and cranes of guaranteed quality.
  - 1.** A winch or crane will not be prohibited by this subsection if the tow truck owner possesses certification from a reputable testing laboratory, regularly engaged in the testing of such equipment or similar equipment, indicating that the capacity of the winch or crane is not less than the weight for which application has been made.
  - 2.** All costs of such testing and certification shall be borne by the tow truck owner/applicant.

**(13)** No tow truck shall tow another vehicle, unless the tow truck has a manufacturer's rating of 10,000 gross vehicle weight rating (GVWR) or higher, and the tow truck has been issued the appropriate towing license plate required by the State of Louisiana. Tow trucks with a manufacturer's rating of less than 10,000 GVWR shall not be permitted.

**(14)** All tow truck components (i.e., winches, booms, cables, cable clamps, thimbles, sheaves, guides, controls, blocks, slings, chains, hooks, and hydraulic components) are to be maintained in good condition at all times. Cable fittings for hooks, slings, etc., shall be assembled by factory recommendations and specifications. All portable equipment (i.e., shovel, broom, reflectors, flashlights, fire extinguisher, etc.) shall be permanent accessories and be available on the truck at all times.

**(15)** It is required that the owner/operator carry on board the towing vehicle the following: Proof of all required insurance including a hazardous material policy, if applicable.

**(16)** Tow truck equipment specifications:

- a.** At no time shall any tow truck exceed its manufacturer's gross vehicle weight

rating or the manufacturer's rated capacity for the towing assembly.

**b.** At no time will a tow truck attach to a vehicle which, by its size and/or weight, would make towing such vehicle an unsafe movement. That is, a tow truck and its load should never exceed the capabilities of the towing vehicle to safely accelerate, stop, or maneuver.

**(17)** Towing services shall determine the method and manner of removing vehicles; provided, however, that they shall exercise due care in removal operations and shall follow the lawful direction of any law enforcement officer directing the removal so as not to impede traffic or endanger the general public and property.

**(18)** Each tow truck authorized on the City of New Orleans call allocation list shall display on the left front window above the brake tag the N.O.P.D. decal, recognizing their approved participation on the call allocation list.

**(19)** Towing services and operators on the call allocation list, in accordance with the provisions of this article, shall be liable and answerable for damages for all injuries or damages whatsoever caused directly or indirectly by the use or operation of the call allocation list tow truck, whether at the time of the injury or damages such tow truck was being used or operated by the owner, agent, servant or employee or other persons not agents, servants or employees of the holder, unless proof is shown that the vehicle was stolen. (M.C.S., Ord. No. 19,148, § 1, 3-31-99; Ord. No. 19,846, § 1, 10-5-00)

#### **Sec. 162-1001. - Storage facilities.**

Storage facilities shall meet all City of New Orleans requirements as follows:

**(1)** *Towing/storage facility business practices.*

**a.** Storage facility business hours for purposes of inspection of records, place of business, and towing equipment shall be 8:00 a.m. to 5:00 p.m., excluding weekends and holidays.

**b.** When an operator is not open for business and does not have personnel present at the place of business, the operator shall post a clearly visible telephone number at the business location for the purpose of advising the public how to make contact for the release of vehicles or personal property.

**c.** All billing invoices that are provided to the redeemer of the vehicle shall be consecutively numbered and shall contain the following information:

- 1.** Date of service and tow truck operator's name.
- 2.** The name of any police agency requesting the tow, if applicable.
- 3.** If the call for service is for a private individual, then an invoice must contain the full name, address, driver's license number or some form of permanent identification of the person requesting the tow.

4. Itemized fees for service.
  5. The date the vehicle was released.
- d. Any invoice, bill, statement, authorization or other form utilized by a towing company, which is to be signed by the owner (or agent) of a vehicle to be towed, must be of a format approved by the N.O.P.D. This form must clearly denote what service is being authorized by signature. That is, there will be a separate signature line which merely authorizes the towing of the vehicle and another signature line to authorize any repairs to the vehicle.
  - e. No repairs shall be performed upon any vehicle unless there is an explicit signed written agreement authorizing such repairs.
  - f. Towing companies must submit a sample copy of their invoices to the N.O.P.D. towing and recovery unit to be kept on file there. Any invoice which does not meet the criteria outlined above will be in violation of these regulations and any charges for services on an unauthorized invoice will be forfeited. Towing companies shall furnish copies of invoices required herein with their application to the call allocation list.
  - g. A copy of the invoice shall be filed by invoice number at the business location and a copy of any voided invoices shall be retained in this same file.
  - h. The address that the towing service lists on its application shall be the business location where its business records are kept. The application shall also list the locations of all storage areas for vehicle redemption.
  - i. The owner of a storage facility will be required to maintain a suitable office to transact business and to accommodate the public. It shall be staffed from at least 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays, throughout the year. Such facilities must be maintained properly, clean, and shall be presentable at all times and shall be subject to inspection by the N.O.P.D. towing and recovery unit.
  - j. Towing services must make business records available for inspection upon request by law enforcement officers, which information shall be confidential and shall not be released or deemed a public record.

**(2) *Storage procedures:***

- a. All vehicles shall be handled and returned in substantially the same condition as they existed before being towed.
- b. All storage facilities shall employ reasonable safeguards and procedures so that all personal belongings and contents in the vehicle are intact and returned to the vehicle's owner or agent upon release of the vehicle. Reasonable requests for the return of essential property prior to the release of the vehicle shall be considered.
- c. All personal property left in a vehicle and not claimed prior to a towing company obtaining a permit to sell such vehicle will be handled in accordance with existing applicable civil law. Reasonable requests for the return of essential property shall be

honored whenever possible.

**d.** Any person who shows proof of ownership or written authorization from the impounded vehicle's registered or legal owner may inspect and view the vehicle without charge during normal business hours.

**(3) *Storage facility:***

**a.** Storage areas must be secured against free entry in such a way as to give security to the property contained therein.

**b.** Storage lots shall be designed to be adequate in size for the individual towing service's need for storing vehicles. The storage facility shall be of sufficient size to accommodate a minimum of 20 stored vehicles. Shared use of a storage facility by more than one towing and recovery business is prohibited, unless authorized by the Louisiana Department of Public Safety and Corrections.

**c.** If a facility uses outdoor storage, fence material shall be of wood or metal design or of no less quality wire than 14½ gauge hog wire.

**1.** The fence must not be less than six feet in height.

**2.** All lots shall have at least one gate of the same quality material as the fence.

**3.** If such construction upon existing lot(s) is in violation of municipal zoning ordinances or other laws, the operator may file a petition for an alternate means of compliance and a proposed security plan with the N.O.P.D. towing and recovery unit.

**d.** If the storage is an open area, it shall be adequately lighted as described herein.

**1.** Such storage area must have security with reasonable human attendance.

**2.** Such open area must be paved or have a sufficiently hard or gravel surface to prevent problems in entry or exit during inclement weather.

**3.** A conspicuous sign shall be maintained at all times at the entrance to the impound lot and at the impound lot office stating the name of business, telephone number, after hours telephone number, and hours of operation.

**4.** All impound lots will be lighted during all hours of darkness.

**5.** The gate to the impound lot(s) shall be locked during the hours of darkness except to provide reasonable ingress and egress in connection with towing service operations.

**6.** All storage facilities are subject to inspection by the N.O.P.D. and must meet the applicable standards defined herein.

**e.** Whenever any vehicle has been towed (other than by owner's request) to a storage facility where fees are charged for such storage or parking, the owner or



operator of the storage facility shall, within 24 hours of the time such vehicle is towed to that storage facility, notify the N.O.P.D. towing and recovery unit that the vehicle has been towed for storage. The storage operator shall provide to the law enforcement authorities or their designees:

1. The police item number;
  2. The location from which the vehicle was towed;
  3. A description of the vehicle;
  4. The license plate number and vehicle identification number of the vehicle;
  5. The name and address of the location to which the vehicle was towed; and
  6. An official report of stored vehicle card must be filed with the department of public safety, office of motor vehicles, dealer support section or its agent.
- f. Each towing service shall be licensed as a separate legal entity.
- g. Towing operators intending to lease or rent storage facilities from established business firms shall file such plan of lease or rent with the N.O.P.D. for approval. Such plan must include specific terms delineating the responsibility of the operator relating to compliance with these regulations and assurance that accountability is maintained.
- h. Towing operators will maintain all records dealing with the towing and storage of vehicles for a minimum of five years. The N.O.P.D. shall have the right to enter and inspect all towing/storage facilities during normal working hours and these documents will be made available upon request.
- i. All towing services shall maintain impoundment records which shall include the following information:
1. The date and time the call for service was received and from whom it was received, when applicable.
  2. The police item number.
  3. A description of the vehicle including make, model, color, vehicle identification number, and license plate number.
  4. The date, time, and place at which the operator began the towing operation.
  5. The date at which the impounded vehicle was released to the owner.
  6. The name of the driver of the tow truck.
  7. Letters of notification as required by these rules.
  8. Proof of administrative costs.

9. Records of release of vehicle(s).

(4) *Storage rates.* All storage facility operators shall charge rates as set forth in the rules and regulations of the Louisiana Public Service Commission.

(5) *Owner notification of a stored vehicle.*

a. Within seven days of the time that a vehicle is placed in a storage facility, the operator of the storage facility shall notify in writing, by certified letter, return receipt requested, the last registered owner of the vehicle (at the owner's last known address) and the mortgage holder, should there be any.

b. The storage operator shall provide to the owner:

1. The police item number.
2. The location and name of the storage facility.
3. The vehicle identification number.
4. The vehicle license plate number.
5. A description of the vehicle.
6. The name of the person or agency that had the vehicle towed and/or placed in storage.
7. The date that the vehicle was placed in storage.
8. The condition of the vehicle.
9. The notice of the owner's right to an administrative hearing.
10. The address to which the request for a hearing must be sent.
11. The date by which the request for a hearing must be mailed, by certified letter, return receipt requested, which shall be ten days from the date that the owner's notification is postmarked.

c. **Administrative fees:**

1. Towing services may charge the registered owner/lienholder those administrative costs incurred by the filing of the official report of stored vehicle card with the office of motor vehicles along with any postal charges related to the mailing of the official report of stored vehicle card or certified letters to the registered owner/lienholder.
2. All costs must be documented with receipts which shall be made available to the registered owner/lienholder upon demand. Failure to comply will result in the forfeiture of all administrative costs, towing, and storage fees.
3. At no time will administrative costs exceed \$25.00 for in-state notifications

and \$30.00 for out-of-state notifications. (M.C.S., Ord. No. 19,148, § 1, 3-31-99; Ord. No. 19,846, § 1, 10-5-00)

### **DIVISION 3. - CALL ALLOCATION LIST PROCEDURE**

[Sec. 162-1002. – N.O.P.D. call allocation list dispatch—Accident scenes, recovered stolen vehicles, police emergencies, and compulsory liability insurance/security impoundment.](#)

[Sec. 162-1003. - Schedule of fees; charge or fee increases.](#)

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#### **Sec. 162-1002. – N.O.P.D. call allocation list dispatch—Accident scenes, recovered stolen vehicles, police emergencies, and compulsory liability insurance/security impoundment.**

(a) Accident scenes, police emergencies. Whenever a motor vehicle has been involved in an accident or collision within the limits of the City of New Orleans and is unable to proceed safely, or the driver is physically unable to drive the motor vehicle, the investigating officer shall request of the driver that the driver designate a towing business to tow the motor vehicle. In the event that the driver is physically unable to designate a towing business, or expresses no preference for a towing business, the towing business next on the call allocation list maintained by the N.O.P.D. shall be dispatched to the scene of the accident to tow the motor vehicle. For any other emergency requirements for a towing service by the N.O.P.D., this same procedure and rotation shall be followed.

(b) For towing and impoundment of vehicles as required for violation of state law regarding compulsory liability insurance/security, a separate call allocation list for this purpose shall be utilized. The towing business next on the call allocation list maintained by the N.O.P.D. shall be dispatched to the scene of an impoundment to tow the motor vehicle.

(c) For towing and impoundment of recovered stolen vehicles, a separate call allocation list shall be utilized. Whenever the police locates a vehicle which has been reported stolen and the owner of the vehicle cannot be located or is unwilling or unable to remove the vehicle from the recovery location, and the vehicle no longer has any evidentiary value to the police, the towing business next on the call allocation list maintained by the N.O.P.D. shall be dispatched to tow the vehicle.

(d) For towing and impoundment of abandoned and nuisance motor vehicles, the N.O.P.D. shall use its allocation lists. Whenever the parking enforcement division notifies the N.O.P.D. that it cannot tow or store an abandoned or nuisance vehicle, the towing business next on a call allocation list maintained by the N.O.P.D. shall be dispatched to tow the vehicle. The towing business shall not lose its place in the call allocation list from which it was chosen when picking up an abandoned and nuisance motor vehicle.

(e) The N.O.P.D. shall log the following information:

- (1) Police item number;
- (2) Time and date of the dispatch;
- (3) Description of the vehicle to be towed;
- (4) Purpose of the tow request for services;
- (5) Name(s) of the dispatching officer(s); and
- (6) Name(s) of the towing business(es) called.

If tow truck operators are unable to respond when summoned by special request or through the N.O.P.D. call allocation list, they must immediately notify the N.O.P.D. and shall not summon a substitute. Multiple failures to respond when summoned will subject the towing service business to review and possible removal from the N.O.P.D. call allocation list.

(f) For towing and impoundment of vehicles as required for violation of this Code regarding illegal dumping, a separate call allocation list for this purpose shall be utilized. The towing business next on the call allocation list maintained by the N.O.P.D. shall be dispatched to the scene of an impoundment to tow the motor vehicle. (M.C.S., Ord. No. 19,148, § 1, 3-31-99; Ord. No. 19,846, § 1, 10-5-00; Ord. No. 20,861, § 3, 9-19-02; M.C.S., Ord. No. 24318, § 1, 2-17-11)

#### **Sec. 162-1003. - Schedule of fees; charge or fee increases.**

Whenever a motor vehicle has been towed through a towing service business obtained from the N.O.P.D. call allocation list, the owner/operator of the vehicle being towed shall be responsible for the payment of fees associated with the towing and recovery, and storage, if applicable. The maximum charges or fees for emergency towing by a vehicle owner or operator using the call allocation list, and for towing performed without the knowledge and consent of the owner or operator of a vehicle, shall be set in accordance with the mandatory tariff schedule set forth by the Louisiana Public Service Commission. (M.C.S., Ord. No. 19,148, § 1, 3-31-99; Ord. No. 19,846, § 1, 10-5-00)

#### **Sec. 162-1004. - Administrative hearing.**

The owner of any vehicle towed through a towing service obtained from the N.O.P.D. call allocation list without the knowledge and consent of the owner or operator shall have the right to an administrative hearing pursuant to the Louisiana Administrative Procedures Act, R.S. 45:95 et seq. to determine if the towing and storage of such vehicle was proper. The purpose of the hearing is to determine the validity of the tow and storage. Request for hearing shall be submitted in writing to the N.O.P.D. towing and recovery unit. The owner of the vehicle must make a request for such hearing within ten calendar days of the date the owner receives notification by the towing business/storage facility. (M.C.S., Ord. No. 19,148, § 1, 3-31-99)

#### **Sec. 162-1005. - Response to call allocation list.**

(a) All towing businesses must be able to respond in accordance with all traffic laws and safe driving practices to the scene within a 45-minute time period on a 24-hour, 365-day basis.

(b) Towing businesses shall ensure that all operators possess the knowledge and skills to determine the proper sizing, weight requirements, and type of equipment necessary to handle each towing assignment on a damage free basis. In those instances where a towing business representative determines that a different type of equipment is necessary, that business shall be allowed to summon its own equipment, such delivery within a time period not to exceed additional minutes. If the towing business does not possess the equipment necessary to relocate or clear an accident safely, or to handle the towing and recovery of a recovered stolen vehicle, an immediate notification to the on-scene police officer is required so that the next towing business on the call allocation list may be officially notified to respond by the N.O.P.D.

(c) Towing businesses designated to respond on the call allocation list for towing and impoundment of vehicles in violation of state compulsory liability insurance/security shall respond and utilize damage-free towing equipment only.

(d) Towing businesses shall have communication equipment at their facility to provide direct contact between the tow representative and their tow wagons. Citizen band radios and pagers are not sufficient equipment for this purpose.

(e) The allocation of multiple vehicle accident scenes shall be assigned on a "one car - one tow" system. The investigating police officer shall notify the police communications dispatcher of the vehicle license numbers of those vehicles requiring towing support. The sequence of the license plates submitted shall determine the assignment of the towing business in that order of call allocation list. The towing business shall be notified of their assigned vehicle by license plate at dispatch. (M.C.S., Ord. No. 19,148, § 1, 3-31-99; Ord. No. 19,846, § 1, 10-5-00)

#### **Sec. 162-1006. - Towing zones.**

The N.O.P.D. shall establish no more than four geographic zones based upon existing police district boundaries to assist in the prompt service delivery requirement. Each towing business shall be allowed to participate in the individual [zones]. Call allocation list for accidents/police emergencies, the call allocation list for stolen vehicles, and the call allocation list for impoundment of vehicles in violation of state law regarding compulsory liability insurance/security, in one or more of these zones. The four towing zones identified by police districts are: Zone 1 (4th), Zone 2 (2nd and 6th), Zone 3 (1st, 3rd, and 8th), and Zone 4 (5th and 7th).

However, should N.O.P.D. determine that four zones are not needed, the police department may establish separate city-wide call allocation lists for accidents/police emergencies, recovered stolen vehicles, and impoundment of vehicles in violation of state law regarding compulsory liability insurance/security. (M.C.S., Ord. No. 19,148, § 1, 3-31-99; Ord. No. 19,846, § 1, 10-5-00)

#### **Sec. 162-1007. - Transportation of vehicles from scenes.**

(a) Towing operators are required to transport the vehicle from the accident scene or the scene of a recovered stolen vehicle only to a location specified by the vehicle owner/driver or to the towing business storage facility.

Subsequent relocation towing, retrieval, and/or repair of the vehicle may only be authorized through the signing of an order of repair by the owner at this storage location only. No repair orders shall be signed on the scene of an accident or stolen vehicle recovery.

(b) Towing operators transporting vehicles impounded for violation of state compulsory liability insurance shall transport these vehicles only to the designated storage facility.

(c) Towing bills and invoices shall contain standard language that must be approved by the N.O.P.D. to clearly indicate that the approval signature for the towing of a vehicle as required by the call allocation system does not include any authorization or involvement in any repair service decision. (M.C.S., Ord. No. 19,148, § 1, 3-31-99; Ord. No. 19,846, § 1, 10-5-00)

#### **Sec. 162-1008. - Failure to respond/violation of procedures.**

(a) Towing businesses that fail to respond to scenes when officially summoned or that violate procedures and operating criteria of the N.O.P.D.'s call allocation system shall receive a formal warning of their "failure to perform." This notice shall be in writing and may be appealed within ten days of receipt of the notice to the superintendent of police through the commander of the department's towing and recovery unit.

(1) Upon receipt of a total of three warnings within a calendar year, the towing business may be suspended for a period of 15 days.

(2) Upon receipt of two additional warnings within the calendar year, the towing business may be suspended for 30 days.

(3) With the receipt of one additional warning within a calendar year, the towing business may be suspended for 60 days or the remainder of the calendar year, whichever is greater.

(4) Upon receipt of a total of seven warnings within a calendar year, the towing business shall be removed from the N.O.P.D. call allocation list for a period of one year. For the purposes of counting "failure to perform" notices, call allocation lists for accidents, stolen vehicle recoveries, and impounds for violation of state compulsory insurance shall be considered separately. A towing business may appeal this suspension and receive a hearing before the towing appeal board with a decision rendered within 30 days. The decision of the towing appeal board shall be considered a final action. No penalty shall be enforced if an appeal is made to the towing appeal board, until the towing appeal board has made a decision on the appeal.

For the purposes of counting "failure to perform" notices, call allocation lists for accidents and impounds for violation of state compulsory insurance shall be considered separately. A towing business may appeal this suspension and receive a hearing before the towing appeal board with a

decision rendered within 30 days. The decision of the towing appeal board shall be considered a final action. No penalty shall be enforced if an appeal is made to the towing appeal board, until the towing appeal board has made a decision on the appeal.

(b) The towing appeal board shall be comprised of 11 members: two police department representatives designated by the superintendent of police, two towing business owners as selected by the New Orleans Towing Association, and one representative selected from each of the five city council districts by the representative councilmember, and one representative selected by each of the at-large councilmembers. The terms of the board are as follows: The terms of the two police department representatives shall be determined by written directive of the superintendent of police; the terms of other board members shall be one year, running from January 1st to December 31st or for first appointments from the date of appointment until December 31st of that year. Board members may succeed themselves. All terms shall expire on January 1st of each year. No member of this board shall be liable for any civil action for any act performed in good faith in the execution of his or her duties as a board member. (M.C.S., Ord. No. 19,148, § 1, 3-31-99; Ord. No. 19,846, § 1, 10-5-00)

#### **Sec. 162-1009. - Relationship to other laws/regulations.**

Nothing in this article or in the N.O.P.D. call allocation list requirements exempts any towing business or towing vehicle from any other state or federal laws or regulations dealing with towing, recovery and storage. (M.C.S., Ord. No. 19,148, § 1, 3-31-99)

### **DIVISION 4. - TOWING REQUIREMENTS FOR ALL ACCIDENT SCENE/EMERGENCY RESPONSES**

#### **[Sec. 162-1010. - Accident scene and stolen vehicle recovery scene requirements.](#)**

#### **Sec. 162-1010. - Accident scene and stolen vehicle recovery scene requirements.**

Owners and/or operators of motor vehicles involved in an accident or stolen vehicle recoveries shall cause the damaged or recovered stolen vehicle to be removed from the public roadways, adjacent service lanes, or other city and state property within one hour after completion of the police investigation of the incident or accident. Any vehicle remaining in such areas will be considered as abandoned and hazardous, and shall be subject to removal on the order of the N.O.P.D. The N.O.P.D. is responsible for conducting all such follow-up after proper investigation of an accident or stolen vehicle recovery to cause such vehicle to be removed within this time limit. The N.O.P.D. reserves the right to remove a vehicle which remains in any hazardous position or obstructs the free flow of traffic through a towing service from the call allocation list if the owner/operator's towing service cannot respond to clear the accident scene, other hazardous condition, or stolen vehicle recovery location within a one hour response time upon notification. Towing service businesses, whether called from the N.O.P.D. call allocation list or by the owner/operator of the accident vehicle(s) or recovered stolen vehicle(s), shall be responsible for the clearing of all debris from an accident or stolen vehicle recovery scene, per each vehicle assigned by the tow truck driver, other towing business employee, or the towing business assignee. The investigating police officer shall monitor the clean-up of an accident or stolen vehicle recovery scene, prohibiting the towing and removal of the vehicle until all such debris has been cleared. If a tow truck summoned from the call allocation list arrives at the

scene and is unable to provide the necessary services, they must immediately notify the N.O.P.D. and shall not summon a substitute unless the other tow truck is from the same company and such delivery must be within a time period not exceeding an additional 30 minutes. (M.C.S., Ord. No. 19,148, § 1, 3-31-99; Ord. No. 19,846, § 1, 10-5-00)

## **DIVISION 5. - PROHIBITED ACTS**

[Sec. 162-1011. - Prohibited response to an accident scene, police investigation or disabled vehicle.](#)

[Sec. 162-1012. - Prohibited use of emergency equipment.](#)

[Sec. 162-1013. - Removal of vehicle.](#)

[Sec. 162-1014. - Repairs, alterations limited.](#)

[Sec. 162-1015. - Written statement of services.](#)

[Sec. 162-1016. - Unauthorized removal.](#)

### **Sec. 162-1011. - Prohibited response to an accident scene, police investigation or disabled vehicle.**

Tow truck operators shall not respond to the scene of a police investigation unless called by the police or by the owner or operator of a disabled vehicle. No person, including, but not limited to, the tow truck owner, or his agent, employee or operator, shall stop at the scene of an accident, at the scene of a stolen vehicle recovery, or at or near a disabled vehicle, for the purpose of soliciting an engagement for towing service. No tow truck owner, or his agent, employee or operator shall stop at the scene of an accident, at the scene of a stolen vehicle recovery, or at or near a disabled vehicle unless he has been summoned to such scene by the owner or operator of a disabled vehicle or has been requested to perform such services by the New Orleans Police Department or other police agency. (M.C.S., Ord. No. 19,148, § 1, 3-31-99; Ord. No. 19,846, § 1, 10-5-00)

### **Sec. 162-1012. - Prohibited use of emergency equipment.**

Rotating or strobe beacon lights shall not be used except while at the scene of the accident/emergency or while towing a vehicle. No towing service company or tow truck operator may operate or utilize a police radio monitoring device to obtain information regarding police emergencies, recovered stolen vehicles, or vehicular accident scene for the purpose of soliciting towing service. The possession of radios and/or scanning devices which access police radio frequencies, in any vehicle or tow truck assigned to the towing business is prohibited. (M.C.S., Ord. No. 19,148, § 1, 3-31-99; Ord. No. 19,846, § 1, 10-5-00)

### **Sec. 162-1013. - Removal of vehicle.**

(a) No towing service business shall tow or remove any vehicle from the scene of any accident, stolen vehicle recovery, or other towing emergency unless summoned to the scene by the owner or operator of the vehicle or the N.O.P.D.

(b) No towing service business shall be allowed to tow or remove any vehicle from the scene of an accident, stolen vehicle recovery, or other towing emergency unless the towing service business meets compliance with state law and this article.



(c) No towing service business shall remove any wrecked, disabled, or recovered stolen vehicle from the scene where an accident has occurred or a stolen vehicle has been recovered or attach a tow truck to such wrecked, disabled, or recovered stolen vehicle until the investigating police officers have completed their investigation. Operators may in emergency cases move a vehicle involved in an accident, if the movement is necessary to extricate a person from a wreckage or to remove an immediate hazard to life and/or property. In no event shall the movement be more than is reasonable and necessary.

(d) Tow truck operators shall not, without the express authorization of the responsible investigating agency, move any vehicle from a public highway or street, or from any public property with such vehicle is abandoned, stolen, or damaged. (M.C.S., Ord. No. 19,148, § 1, 3-31-99; Ord. No. 19,846, § 1, 10-5-00)

#### **Sec. 162-1014. - Repairs, alterations limited.**

No towing service business shall require the performance of repair work on a disabled, wrecked, or recovered stolen vehicle in connection with providing towing service for the vehicle. No towing service shall make repairs or alterations to a disabled, wrecked, or recovered stolen vehicle without first having been authorized by the owner of such vehicle, except for emergency alterations necessary to permit the towing of such disabled, wrecked, or recovered stolen vehicle by the towing service or its agents. (M.C.S., Ord. No. 19,148, § 1, 3-31-99; Ord. No. 19,846, § 1, 10-5-00)

#### **Sec. 162-1015. - Written statement of services.**

No operator shall charge for services which are not itemized and documented on an invoice and/or written statement detailing the charges for any towing services, the location to which the vehicle will be towed and/or stored, and a listing of any services to be performed in addition to the towing services as well as the charges for these services. The tow truck driver shall not remove any disabled vehicle without signing such written statement and obtaining the signature of the customer on such statement. The only exception to this requirement is when the tow truck has been dispatched from the N.O.P.D. call allocation list and the owner or operator/driver is not present or is incapable of making or declines to make arrangements for the removal of the vehicle. (M.C.S., Ord. No. 19,148, § 1, 3-31-99)

#### **Sec. 162-1016. - Unauthorized removal.**

No towing service shall tow or remove any vehicle to any location other than to the towing service's approved storage facility unless authorized by the registered owner of the vehicle, the operator, or the N.O.P.D. (M.C.S., Ord. No. 19,148, § 1, 3-31-99)

### **DIVISION 6. - PENALTIES**

[Sec. 162-1017. - Penalties for noncompliance.](#)

[Secs. 162-1018—162-1280. - Reserved.](#)

## **Sec. 162-1017. - Penalties for noncompliance.**

Any person who fails to comply with sections 162-1010 through 162-1016 contained in this article shall be in violation of this article, subject to prosecution in municipal court, and such person shall be fined, upon conviction, not less than \$100.00 nor more than \$500.00 for the first violation during a one-year period. The second violation during a one-year period shall require a fine of not less than \$250.00 nor more than \$500.00, and a mandatory total of 60 community service hours performed within a 30-day period collecting and picking up litter and trash on the public roads, streets, and highways, and up to six months in jail. Three or more violations during a one-year period shall require a fine of not less than \$400.00 nor more than \$500.00 for each violation, and a mandatory total of 90 community service hours performed within a 45-day period collecting and picking up litter and trash on the public roads, streets, and highways for each violation, and up to six months in jail for each violation. A conviction for any provision of this article shall also be grounds for removal from the N.O.P.D. call allocation list for a period of one year from the date of such conviction. (M.C.S., Ord. No. 19,148, § 1, 3-31-99)

## **Secs. 162-1018—162-1280. - Reserved.**

## **DIVISION 1. - GENERALLY**

[Sec. 162-1281. - Definitions.](#)

[Sec. 162-1282. - Administration, enforcement.](#)

[Secs. 162-1283—162-1330. - Reserved.](#)

## **Sec. 162-1281. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Heavy-duty vehicle** means any vehicle which because of its size, weight or other design characteristics would require its transport under towing situations by a heavy-duty tow truck as defined in sections 162-1532 through 162-1537.

**System of zones** means those geographical boundaries which divide the city into separate zones each of which shall be the responsibility of a designated towing company for purposes of responding to city requests for the removal, tow and/or storage of any heavy-duty vehicle which has been involved in a traffic accident, or has otherwise become disabled, on the streets or other property of the city.

**Tow zone certificate** means a certificate issued by the department of police for each tow truck to be used in the performance of zone responsibilities which certifies that such truck has been inspected and meets all vehicle, boom and winch, and accessory specifications and requirements as are mandated by law.

**Tow zone license** means a license issued by the department of police which authorizes a towing company to perform towing and provide for storage of vehicles within a particular zone or to provide assistance to another zone licensee with the system of zones established by this article.

**Towing company** means a person engaged in the business of providing towing or wrecker

service and providing facilities for storage of motor vehicles. (Code 1956, § 12-270)

**Cross reference—** Definitions generally, § 1-2.

**Sec. 162-1282. - Administration, enforcement.**

It shall be the duty of the department of police, under the direction of the superintendent of police, to implement, administer, and enforce the provisions of this article. The duties shall include, but not be limited to the following: the proper advertisement requesting applications for tow zones; the evaluation of applications for a tow zone and determination of towing companies which qualify for zones; the submission of recommendations to the city council on the apportionment of zones; the issuance of tow zone licenses; the issuance of tow zone certificates; the request for dispatch of tow trucks to the scene of a wrecked or a disabled vehicle; to ensure that towing companies with assigned zones perform in accordance with the requirements of their license. (Code 1956, § 12-271)

**Secs. 162-1283—162-1330. - Reserved.**

**DIVISION 2. - LICENSE**

[Sec. 162-1331. - Required.](#)

[Sec. 162-1332. - Application.](#)

[Sec. 162-1333. - Application fee.](#)

[Secs. 162-1334—162-1375. - Reserved.](#)

**Sec. 162-1331. - Required.**

No towing company shall be assigned a zone under the system of zones as herein defined unless that towing company has been granted a tow zone license by the department of police under conditions as established by the law and the department of police. (Code 1956, § 12-272)

**Sec. 162-1332. - Application.**

Each applicant for a tow zone license shall make application with the department of police for same, shall meet the requirements as established by law, and shall certify that all the requirements have been properly satisfied. No license shall be granted if the applicant fails to meet the requirements of this article or if the applicant provides the department of police with false, misleading, or incomplete information. Licenses issued on the basis of false, misleading, or incomplete information furnished by the applicant may be revoked by the superintendent of police. (Code 1956, § 12-273)

**Sec. 162-1333. - Application fee.**

The department of police shall charge a \$50.00 fee for each application for a tow zone license. Such fee shall not be refundable regardless of the applicant's eligibility for a zone. (Code 1956, § 12-274)

**Secs. 162-1334—162-1375. - Reserved.**

**DIVISION 3. - TOW TRUCK INSPECTION**

[Sec. 162-1376. - Required.](#)

[Sec. 162-1377. - Inspection certificate.](#)

[Sec. 162-1378. - Periodic reinspections.](#)

[Sec. 162-1379. - Spot inspections.](#)

[Sec. 162-1380. - Special inspections.](#)

[Sec. 162-1381. - Failure to pass inspection.](#)

[Sec. 162-1382. - Reinspections; suspension, revocation of license.](#)

[Secs. 162-1383—162-1430. - Reserved.](#)

#### **Sec. 162-1376. - Required.**

The superintendent of the department of police shall cause each tow truck which shall be used in the performance of zone responsibilities to be inspected for conformance with the tow truck requirements as hereinafter established in this article. The superintendent shall make available a list of items which shall be inspected when a tow truck is subject to inspection. (Code 1956, § 12-275)

#### **Sec. 162-1377. - Inspection certificate.**

When the vehicle has met all of the requirements as hereinafter established in this article and the required fees have been paid by the licensee, the superintendent shall issue a tow zone certificate of such size, color and form as the superintendent may determine and shall cause same to be affixed to the windshield of the vehicle. The tow zone certificate shall be identified by number. If it becomes damaged or destroyed, a duplicate shall be issued by the superintendent after application has been made. (Code 1956, § 12-275)

#### **Sec. 162-1378. - Periodic reinspections.**

Every tow truck used in the performance zone responsibilities shall be submitted for inspection not less than once every 12 months following initial certification on a schedule to be determined by the superintendent of the department of police. (Code 1956, § 12-278)

#### **Sec. 162-1379. - Spot inspections.**

All tow trucks operated in the performance of tow zone responsibilities shall be subject to inspection at all times and shall be maintained in a state of mechanical fitness as required under appropriate state statutes and as required by city ordinances. The superintendent of police shall have the power and authority to require inspections from time to time, other than those regularly scheduled under section 162-1378, when such inspections through reason and sound judgment are deemed necessary. (Code 1956, § 12-279)

#### **Sec. 162-1380. - Special inspections.**

Every tow truck shall be submitted by the license holder thereof for mechanical inspection as follows: prior to issuance of the tow zone license; whenever there is a transfer of the vehicle from one licensed towing company to another; or whenever the vehicle has been involved in an accident requiring repairs. (Code 1956, § 12-280)

**Sec. 162-1381. - Failure to pass inspection.**

The tow truck shall not be operated and the inspection certificate removed but not replaced when the vehicle has failed to pass an inspection by the superintendent of police to determine that the vehicle is safe and in satisfactory mechanical condition. (Code 1956, § 12-280)

**Sec. 162-1382. -Reinspections; suspension, revocation of license.**

Any towing company whose tow truck fails to meet the requirements of inspection shall have ten days to bring such vehicle into compliance with the requirements. Failure to bring the vehicle into compliance within ten days shall result in the denial or revocation of the tow zone license. (Code 1956, § 12-276)

**Secs. 162-1383—162-1430. - Reserved.**

**DIVISION 4. - TOW ZONE CERTIFICATE**

[Sec. 162-1431. - Required.](#)

[Sec. 162-1432. - Liability coverage requirement.](#)

[Sec. 162-1433. - Expiration and renewal of certificate.](#)

[Sec. 162-1434. - Expiration of certificate.](#)

[Sec. 162-1435. - Delinquency penalty.](#)

[Sec. 162-1436. - License revocation for failure to renew certificate.](#)

[Sec. 162-1437. - Renewal of certificate.](#)

[Sec. 162-1438. - Removal of tow zone certificate.](#)

[Sec. 162-1439. - Temporary tow zone certificate.](#)

[Sec. 162-1440. - Identification of tow trucks.](#)

[Sec. 162-1441. - Inspection fee.](#)

[Secs. 162-1442—162-1485. - Reserved.](#)

**Sec. 162-1431. - Required.**

The operation of a tow truck by a towing company licensed to perform zone responsibilities which has not received a tow zone certificate shall result in the revocation of the tow zone license. (Code 1956, § 12-277)

**Sec. 162-1432. - Liability coverage requirement.**

If the liability coverage of any vehicle does not meet the requirements of this article at the time of its inspection and/or at any other time, the current tow zone certificate shall be removed, and a new tow zone certificate shall not be issued until such liability coverage shall properly meet the requirements of this article. (Code 1956, § 12-288)

**Sec. 162-1433. - Expiration and renewal of certificate.**

Each tow truck certificate issued by the superintendent of police pursuant to the provisions of this division, unless earlier removed for cause, shall expire at the end of the month of the next scheduled inspection by the department of police; shall be renewable on the first of such month; and shall show by numeral on the face thereof the subsequent month scheduled for its expiration

and renewal. (Code 1956, § 12-281)

**Sec. 162-1434. - Expiration of certificate.**

Unless the tow zone certificate is renewed prior to ineligibility, each such certificate shall become invalid for operation on the applicable expiration date as set forth in a schedule determined by the superintendent of police. (Code 1956, § 12-282)

**Sec. 162-1435. - Delinquency penalty.**

There shall be a penalty of \$1.00 per day of delinquency whenever a vehicle is not submitted to the superintendent of police during the months listed in the schedule of the department of police, not to exceed a total penalty fine of \$10.00. There shall be a charge of \$2.00 for each duplicate vehicle inspection certificate issued. (Code 1956, § 12-283)

**Sec. 162-1436. - License revocation for failure to renew certificate.**

Failure of a licensee to submit a vehicle for inspection at the time required by the department of police, pursuant to the provisions of this chapter, or whenever requested by the department of police, and to have at all times the required tow zone certificate affixed on the windshield thereof or a duplicate should same be destroyed, shall subject a towing company to the revocation of the tow zone license at the discretion of the superintendent of police. (Code 1956, § 12-284)

**Sec. 162-1437. - Renewal of certificate.**

Each tow zone certificate in good standing shall be renewable annually during the term of the tow zone license by the superintendent of police provided that:

- (1) The vehicle has been inspected by the department of police and met inspection criteria.
- (2) The licensee meets all other requirements set forth in this article and by the superintendent of police. (Code 1956, § 12-285)

**Sec. 162-1438. - Removal of tow zone certificate.**

Upon completion of the vehicular inspection, the department of police shall, if necessary, replace any tow zone certificate with the proper tow zone certificate, which shall be affixed to the windshield of the vehicle. If any tow truck is found defective at any time, the current certificate shall be removed and a new tow zone certificate shall not be issued until all defects found to exist have been corrected. (Code 1956, § 12-287)

**Sec. 162-1439. - Temporary tow zone certificate.**

A temporary tow zone certificate may be issued by the department of police for a period of ten working days following the date of removal of the regular tow zone certificate or upon rejection of inspection by the department of police. (Code 1956, § 12-289)

**Sec. 162-1440. - Identification of tow trucks.**

The tow zone certificate number of each tow truck shall be painted on each side of such vehicle in figures at least two inches high. (Code 1956, § 12-290)

**Sec. 162-1441. - Inspection fee.**

The department of police shall charge a \$25.00 fee for each tow zone certificate inspection. The fee shall be assessed in addition to any other fees charged in any other provision of this chapter. (Code 1956, § 12-291)

**Secs. 162-1442—162-1485. - Reserved.**

**DIVISION 5. - HEAVY-DUTY VEHICLE ZONES**

[Sec. 162-1486. - System established; licenses.](#)

[Sec. 162-1487. - Removal, towing of vehicles, response time.](#)

[Sec. 162-1488. - Zone boundaries.](#)

[Secs. 162-1489—162-1530. - Reserved.](#)

**Sec. 162-1486. - System established; licenses.**

There is hereby established a system of zones which system of zones shall include the entire geographical area of the parish for the purpose of licensing qualified towing companies each of whom shall be assigned a zone and shall be responsible for the towing, recovery and storage of heavy-duty vehicles which are wrecked or disabled on the streets or other property of the city. Such responsibilities shall not include the obligation or responsibility for removal of junked or abandoned vehicles. Such licenses will be for a period not less than three nor more than five years. (Code 1956, § 12-292(a))

**Sec. 162-1487. - Removal, towing of vehicles, response time.**

In any case where public safety considerations permit, and where the vehicle operator specifically requests that a particular tow company provide for the removal, towing and/or storage of his vehicle, the vehicle operator's request shall be honored even though the operator requested is not the zone licensee; provided, however, where the public health, safety and welfare dictate a zone operator be used, it shall be the duty of law enforcement officials to direct the removal by a zone licensee. The maximum allowable response time by a towing company other than a zone licensee shall be 45 minutes. Upon the expiration of such 45 minutes and the dispatching of a zone licensee, the zone licensee shall have sole authority for removal of vehicles. (Code 1956, § 12-292(b))

**Sec. 162-1488. - Zone boundaries.**

(a) One zone shall be designated for each towing company that submits an application in the manner provided for herein and under rules and regulations as may be established by the department of police all information as may be required and who is qualified under the provisions of this division. Zone boundaries shall be adopted by ordinance by the city council after receiving a recommendation on such boundaries from the department of police. Such recommendation shall be based upon the frequency and pattern of accidents or breakdowns within the city and the location of the towing company's motor pool and storage facilities such that prompt response to service calls and a reasonably equal division of calls among zones is ensured. The superintendent of the department of police may approve the sharing of responsibilities for a particular zone between or among licensed towing companies. Such zones

are subject to a realignment of boundaries during the term of the license if an unequal division of calls results. Such realignment shall be accomplished through the above procedure of this section.

(b) The zones shall be as follows:

(1) *Zone I.* All streets and city property east of a line drawn from Lake Pontchartrain south along and inclusive of Alabama Street into Deanne Street to Ransom Street extending in a direct line across Interstate 10 to Reynes Street thence south along and inclusive of Reynes Street and in a straight line extending from Reynes Street to the Gulf Outlet Canal to Paris Road thence south along and inclusive of Paris Road to the Orleans Parish boundary.

(2) *Zone II.* All streets and city property bounded on the east by the Zone I boundary, on the south by Mississippi River, on the north by Lake Pontchartrain, and on the west by a line commencing at Clouet Street and the Mississippi River thence north along and inclusive of Clouet Street to Urqhardt Street thence west along and inclusive of Urqhardt Street to Annette Street thence north along and inclusive of Annette Street to North Johnson Street thence west along and inclusive of North Johnson Street to Esplanade Avenue thence northwest along and inclusive of Esplanade Avenue to Wisner Boulevard thence north and inclusive of Wisner Boulevard to the Southern Railway tracks, thence west along the Southern Railway tracks to Florida Avenue continuing along and inclusive of Florida Avenue to Milne Street thence south along and inclusive of Milne Street to Catina Street thence south along and inclusive of Catina Street to Homedale Boulevard thence west along and inclusive of Homedale to West End Boulevard thence south and inclusive of West End Boulevard to the northside of the Southern Railway tracks thence west on the northern side of the Southern Railway tracks to the parish boundary thence north along the parish boundary to Lake Pontchartrain. (Code 1956, § 12-293)

**Secs. 162-1489—162-1530. - Reserved.**

## **DIVISION 6. - ZONE APPLICATIONS**

[Sec. 162-1531. - Advertising.](#)

[Sec. 162-1532. - Applicant qualifications.](#)

[Sec. 162-1533. - Equipment.](#)

[Sec. 162-1534. - Storage facilities.](#)

[Sec. 162-1535. - Hours of operation.](#)

[Sec. 162-1536. - Owners and operators.](#)

[Sec. 162-1537. - Insurance.](#)

[Sec. 162-1538. - Termination of license.](#)

[Secs. 162-1539—162-1580. - Reserved.](#)

### **Sec. 162-1531. - Advertising.**

Prior to the establishment of zones under this division, a request for applications shall be published in the official journal of the city and the auxiliary official journal of the city three days per week for each of two consecutive weeks. Such request for applications shall indicate the final day for receipt of applications, the date of which shall be 30 days after the initial advertisement.



(Code 1956, § 12-295)

**Sec. 162-1532. - Applicant qualifications.**

An applicant for a heavy-duty tow truck zone shall comply or present substantial evidence of his intention and ability to comply with the minimum qualifications herein below listed. In any event, an applicant which has been determined by the superintendent of the department of police to be eligible for a zone shall within four days of such determination provide the superintendent of the department of police with copies of purchase orders for any equipment which must be purchased to meet equipment qualifications established herein. Any such equipment to be ordered must be available for service by the licensee within 90 days of a determination of zone eligibility. Failure to meet these deadlines may result in the loss of the applicant's eligibility.

(Code 1956, § 12-296)

**Sec. 162-1533. - Equipment.**

Each applicant under this division shall own and have in operable condition not less than two heavy-duty tow trucks conforming to the following specifications:

**(1) *Heavy-duty tow truck minimum specifications.***

- a.** Gross vehicle weight rating of not less than 33,000 pounds as rated by the manufacturer or certifying laboratories; normally 3½ tons.
- b.** A minimum of 102 inches from the rear of passenger cab to center of rear axle for single-axle trucks or 102 inches to the center of bogie on tandem trucks.
- c.** Single or tandem rear axles equipped with dual rear wheels and tires.
- d.** Five-speed manual or automatic transmission.
- e.** A service brake system, air only, capable of controlling the movement of or stopping and holding the combination of vehicles under normal and adverse conditions. The air brake system shall be equipped to provide for the transfer of air from the wrecker's brake system to that of the towed vehicle.
- f.** A parking brake system separate from the service brake which shall be maintained in proper working order.

**(2) *Boom and winch minimum specifications (bare drums).***

- a.** Minimum rated boom capacity of 25 tons.
- b.** Mechanical or hydraulic power winches with a total rated capacity of not less than 25 tons or as per manufacturer rating.
- c.** Minimum of 200 feet of wire rope per winch at least 9/16-inch in diameter of rated breaking strength of 27,000 pounds.

**(3) *Required accessories.***

- a. Chain equipped with hooks at least three-eighths inch in diameter.
- b. At least 75 feet of auxiliary air lines equipped with necessary transfer fittings.
- c. Heavy-duty truck towing hitch.
- d. Flashing system with two revolving amber lights mounted on each towing vehicle, body clearance lights, reflectors and at least one work light mounted which has the capacity to light the scene of an accident under darkened or foggy conditions.
- e. One or more brooms, a shovel and 50 pounds of chemical fire extinguisher.
- f. Power up and power down winch operating from the rear of the tow truck. All winches must be operational. Electrical and hand winches shall not be used.
- g. Tow trucks must have throttle control and hydraulic, air or manual brakes on rear wheels. A front push bumper may be provided on trucks that are so designed.
- h. All tow trucks must be equipped with a two-way radio able to communicate with a base station having telephone service or with telephone service direct. Radios must be equipped with a business frequency; no citizen band radios will be permitted. Applicable F.C.C. licenses must be maintained and displayed upon request by any law enforcement agency.
- i. Lock-out tools for entry into locked vehicles or vehicles wherein occupants have no ready and suitable means of egress.
- j. Four low-pressure air recovery cushions for use in righting trailers and tractor trailers or in lieu thereof a notarized agreement between the tow zone licensee and a firm located in the parish or within five miles of the city boundaries which provides for air recovery cushions service upon request of the towing company at a cost to the vehicle owner or operator not in excess of the maximum allowable cost stipulated in the tow zone license. (Code 1956, § 12-296(a))

#### **Sec. 162-1534. - Storage facilities.**

- (a) Each zone licensee for the term of the license shall own, or have under lease, vehicle storage facilities.
  - (1) Such storage facilities shall consist of a secure illuminated storage area located within the city limits and shall be in compliance with all applicable building and safety codes including the National Fire Protection Code.
  - (2) Such storage area shall be enclosed by a six-foot chain-link fence topped with a V-shaped, two-strand barbed-wire protector or any other storage area of equal security. The fence of any vehicle storage facility that is facing a residential area or a street known as a major street as listed in the major street plan of the city shall be screened from public view, and in that regard, shall be nontransparent. All other areas need not be protected from public view. Where chain-link fencing is used, slats shall be inserted in the wire mesh to make the same nontransparent.

- (3) The storage facility shall be maintained in such a manner as to not impact the aesthetic qualities of the surrounding area.

The foregoing shall be considered minimum security requirements.

(b) The licensee shall, at all times, keep the department of police advised of the address of the storage facility furnished by it under this requirement. Each vehicle storage facility as provided herein must be approved by the department of police. Each storage facility shall be inspected by the department of police and shall contain a minimum of 7,200 square feet of storage area.

(c) Nothing contained in this section shall be considered to supersede or otherwise affect applicable provisions of the zoning ordinance of the city. (Code 1956, § 12-296(b))

**Sec. 162-1535. - Hours of operation.**

(a) *Tow truck service.* Each zone licensee shall respond at any and all times to a request from the department of police.

(b) *Storage facilities.* Each zone licensee shall be able under any circumstance to provide release of stored vehicles within 24 hours immediately following the time of initial deposit of such vehicle at the storage facility. Storage facilities shall be staffed between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday during which hours vehicles must be released within one hour of a request and by appointment from 8:00 a.m. until 12:00 noon on Saturday, Sunday and holidays. (Code 1956, § 12-296(c))

**Sec. 162-1536. - Owners and operators.**

(a) Every towing company making application shall have operated a heavy-duty tow truck service domiciled in the parish for at least two continuous years immediately prior to submission of a zone application. The city council may approve the assignment of a zone to a towing company not domiciled in the parish to provide service to the 15th Ward (Algiers) after having received a recommendation thereon from the superintendent of the department of police and upon a determination that such zone would otherwise receive inadequate service.

(b) No officer, owner, partner, or other individual with a remunerary interest in the licensed towing company making application for a zone license or an employee of the company shall have been convicted of a violation of any of the provisions of R.S. 32:521 pertaining to stored motor vehicles or R.S. 32:701 et seq., the Louisiana Certificate of Title Law or R.S. 14:67 pertaining to auto theft.

(c) The superintendent of police may establish such rules and regulations as are necessary to enforce the provisions of this section including criminal history investigations of company personnel. A fee shall be charged for the performance of a criminal history investigation or the renewal of any clearance granted hereunder in the amount of \$50.00 for each company owner, tow truck driver, or other employee who assists tow truck drivers outside of a company's place of residence and \$20.00 per individual for all other company personnel.

(d) The owner and the drivers of each towing company shall have attended or within six months of having received a zone license attend an instruction program approved by the

department of fire on the handling of hazardous materials as pertains to their zone duties.

(1) Verification of such attendance must be submitted to the department of police. Failure to do so within the allotted time shall result in the revocation of the license.

(2) Any towing company whose personnel have not received such instruction prior to receiving a tow zone license shall have submitted to the department of police a notarized agreement through which the towing company has obtained the services of a firm trained in the handling of hazardous material carriers. Such agreement shall have been approved by the department of fire as meeting the intent of this subsection. (Code 1956, § 12-296(d))

#### **Sec. 162-1537. - Insurance.**

Certificates of insurance issued by an insurer licensed to do business in the state and attesting to carriage with coverage in the amounts hereinbelow listed shall be submitted with the application.

(1) Liability coverage in an amount of not less than \$300,000.00 personal injury coverage for one person, \$500,000.00 personal injury coverage for one accident or incident, or a combined single limits coverage in a single policy of \$300,000.00 and \$50,000.00 property damage coverage.

(2) Garage keeper's legal liability insurance, insuring the perils of fire and collision in an amount of \$25,000.00 and showing the types, amounts and classes of operation covered.

(3) On-hook coverage in an amount of not less than \$25,000.00.

(4) An umbrella policy with coverage in an amount not less than \$1,000,000.00 extending to coverages required herein. All certificates shall contain the initial and the expiration dates of carriage and coverage and the following statement:

The insurance covered by this certificate shall not be canceled or materially altered except after ten days' prior written notice of such cancellation or alteration has been given to the department of police. (Code 1956, § 12-296(e))

#### **Sec. 162-1538. - Termination of license.**

(a) Failure to comply with the provisions of this article by a towing company licensed to perform zone responsibilities, unless otherwise indicated herein, shall result in the revocation of the license by the superintendent of police.

(b) If a tow zone license is terminated during the term of a licensee, the city council, after having received recommended boundary changes from the department of police, shall divide and reassign that zone to existing tow zone licensees for the remainder of the terminated license's term or until a new zone licensee is selected to fulfill the remainder of the term. Currently licensed towing companies shall be required to assume responsibility as provided for under their license for any restructured zone as might occur under this section. (Code 1956, § 12-299)

#### **Secs. 162-1539—162-1580. - Reserved.**

### **DIVISION 7. - REGULATIONS**

[Sec. 162-1581. - Licensee requirements.](#)

[Sec. 162-1582. - Response time.](#)

[Sec. 162-1583. - Towing charges.](#)

[Sec. 162-1584. - Operation of unsafe tow truck prohibited.](#)

[Sec. 162-1585. - Unsummoned tow truck response prohibited.](#)

[Secs. 162-1586—162-1630. - Reserved.](#)

**Sec. 162-1581. - Licensee requirements.**

- (a) It shall be the duty of the driver of each tow truck that picks up wrecked or disabled vehicles for the purposes of towing the same away to clear the street or highway of any and all debris, parts or glass.
- (b) The licensee shall be responsible and liable for any damages or losses inflicted to vehicles lifted, hauled, or transported, or subjected to any other activity performed which is the subject of the licensee's responsibilities and shall be responsible for the contents of the vehicle in his care and custody.
- (c) A vehicle shall be transported to its point of destination by the most direct route practical.
- (d) Towing companies which are also engaged in the body repair service shall have clearly printed on the front of all invoices or receipts for towing services the following:
  - (1) A statement which informs the owner or operator of a vehicle towed pursuant to zone responsibilities that the owner or operator is under no obligation to have body repair or any other work performed on the towed vehicle by the zone licensee;
  - (2) The maximum daily vehicle storage charge;
  - (3) The right of the owner or operator to remove a vehicle upon payment of the accrued daily storage fee and towing fee.
- (e) All towing companies shall be party to a reciprocal assistance agreement under which requests for assistance in the performance of zone responsibilities shall be honored by any other zone licensee when feasible. Assistance by a company other than a zone licensee is prohibited.
- (f) Towing companies shall immediately inform the department of police whenever a vehicle to which it has been dispatched is placarded as a carrier of hazardous material. The towing company shall not move a placarded vehicle except under the on-site supervision of department of fire officials. However, the department of police after consultation with department of fire officials may direct the removal of the placarded vehicle without such on-site supervision. (Code 1956, § 12-297)

**Sec. 162-1582. - Response time.**

A tow zone licensee shall be required to reach the scene of a wreck or a disabled vehicle within 45 minutes of receiving a dispatch call from the department of police unless traffic conditions or other mitigating circumstance beyond the control of the licensee create a delay in responding. (Code 1956, § 12-298)

**Sec. 162-1583. - Towing charges.**

(a) All invoicing for towing services shall be third party transactions between the towing company and the vehicle operator. A schedule establishing maximum charges for towing services and storage shall be established by ordinance after receipt of recommendations thereon from the superintendent of police. All charges shall be uniform among the zones.

(b) The maximum charges for towing shall be:

		Rate	Hours
(1)	Flat towing rate .....	\$125.00	
(2)	Large wrecker .....	\$185.00	1½ min.
(3)	Recovery trailer .....	\$210.00	1½ min.
(4)	Supervisor .....	\$60.00	1 hour
(5)	Laborer .....	\$25.00	3 hours
(6)	Air bag .....	\$700.00	

1 hour


575.00 for each additional hour

(7)	Cable sling, flat rate .....	45.00
(8)	Web sling, flat rate .....	75.00
(9)	Binder, flat rate .....	5.00
(10)	Snatch block, flat rate .....	\$18.00
(11)	Generator, flat rate .....	\$40.00
(12)	Heavy jack, flat rate .....	\$38.00
(13)	Skid jack, flat rate .....	\$17.00
(14)	Air drill, flat rate .....	\$50.00
(15)	Chain saw, flat rate .....	\$67.00
(16)	100 watt light, flat rate .....	\$12.00
(17)	100-foot power cord, flat rate .....	\$15.00
(18)	Porta air compressor, flat rate .....	\$17.50/hr.

2-hour

min.	
(19)	Cutting torch, flat rate ..... \$35.00/hr.
(20)	Ground wire and rod, flat rate ..... \$45.00
(21)	Quartz light rack, flat rate ..... \$27.00/hr.

2-hour

min.		
(22)	Flat tow of hazardous cargo with low flash joint which is not damaged .....	\$125.00
(23)	Storage, per day .....	\$20.00
(24)		

20% markup on rental equipment.

(25)
Surcharge supplement: The total base charge is extended by the percent for that particular cargo classification of the retrieval services rendered.

(26) Cargo classification:

- a. Explosive or combustible items with a low flash point, surcharge above base rate: 500 percent.
- b. Flammable and/or combustible items with a high flash point, corrosives, oil distillates, toxic material, empty tanks with fumes, etc. Surcharge above base rate: 300 percent.
- c. Other materials which, by their nature, cause a high degree of risk for men and property, i.e., liquid soap, chemicals, etc. Surcharge above base rate: 100 percent.  
(Code 1956, § 12-294)

**Sec. 162-1584. - Operation of unsafe tow truck prohibited.**

The operation of a tow truck for which a tow zone certificate has been issued under this article in the performance of zone responsibilities while such vehicle is unsafe and in an unsuitable condition for such use, whether or not such vehicle bears a current tow zone renewal certificate may result at the discretion of the superintendent of police in the revocation of the towing company's tow zone license. (Code 1956, § 12-286)

**Sec. 162-1585. - Unsummoned tow truck response prohibited.**

It shall be unlawful for a driver or other employee of any towing company not licensed to perform zone responsibilities by the department of police to stop at the scene of a wreck involving heavy-duty vehicles which has occurred on a street or other property of the city and to provide or offer to provide towing services for the heavy-duty vehicle or to approach a heavy-duty disabled vehicle on a street or other public property of the city to offer assistance for remuneration unless the towing company has been summoned by the operator or a representative of the operator of the wrecked or disabled vehicle. (Code 1956, § 12-300)